

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA**

In re: DEPTHI TRAN, : **CHAPTER 13**
Debtor : **BANKRUPTCY NO. 17-13861**

ORDER

AND NOW, this day of January, 2018, upon consideration of the Motion of Specialized Loan Servicing, LLC for Relief from the Automatic Stay, and the Debtor's Answer thereto, and after notice and an opportunity to be heard by all interested parties, it is hereby ORDERED that the Motion is DENIED WITHOUT PREJUDICE, and may be prosecuted if the Debtor's loan modification is denied. .

J.

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**In re: DEP THI TRAN,
Debtor**

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: BANKRUPTCY NO. 17-13861**

**DEBTOR’S ANSWER TO MOTION OF SPECIALIZED LOAN SERVICING, LLC
 (“SLS”) FOR RELIEF FROM THE AUTOMATIC STAY, WITH AFFIRMATIVE
 DEFENSES**

1. The allegations of paragraphs 1, 2, 3, and 4 of the Motion of the Motion are admitted.
2. The allegations of all of the remaining paragraphs of the Motion are denied or denied as stated and strict proof of same is demanded at any hearing.

AFFIRMATIVE DEFENSES

3. The original loan documents attached to the Motion consist of a Mortgage and Note dated December 5, 2006, in which the only lender identified is Provident Funding Group, Inc. (“Provident”)

4. SLS concedes in the Motion that it is only the servicer of the loan at issue. There is no evidence that SLS was ever an assignee of the mortgage or that it has any right to prosecute this motion on behalf of any party which is the holder of this mortgage. See In re Alcide, 450 B.R. 526, 536-39 (Bankr. E. D. Pa. 2011).

5. The Debtor has an application for a loan modification pending before the Movant. The Movant nor any other party in interest in connection with this mortgage should be permitted to move forward with this Motion or any other proceeding to attempt further to foreclose on this mortgage as long as this application is pending’

6. The Debtor does not believe that any of the fees and costs which are demanded therein for its filing and prosecution are reasonable in light of the filing of this Motion while an application for a loan modification remains pending.

7. No extraordinary circumstances are alleged which would establish any right of the Movant to be granted a dispensation from the 14-day stay period set forth in Federal Rule of Bankruptcy Procedure 4001(a)(3).

WHEREFORE, the Debtor requests that the Motion be denied as long as the Debtor's Instant application for a loan modification is pending.

Dated: December 26, 2017

Attorney for Debtor

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